

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
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Badge Ni _____
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

2018 MAR 22 AM 11:46

DEPUTY CLERK 

MELVIN MCCORMICK
PLAINTIFF

VS.

CITY OF DALLAS POLICE DEPARTMENT ET AL,
DEFENDANTS

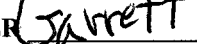

CIVIL ACTION NUMBER: **318 - CV0689 - B**

COMPLAINT BASED UPON POLICE HARASSMENT AND RACIAL DISCRIMINATION.

1. THIS IS A CIVIL ACTION SEEKING DAMAGES AGAINST THE DEFENDANT FOR
COMMITTING POLICE HARASSMENT AND RACIAL DISCRIMINATION
2. THE COURT HAS JURISDICTION SEVERE VIOLATIONS OF CIVIL RIGHTS AND CIVIL
LIBERTIES LAWS OF THE CONSTITUTION
3. THE PLAINTIFF, RESIDES AT:

1235 CORONADO LANE
DUNCANVILLE, TEXAS 75137

4. DEFENDANTS DALLAS POLICE DEPARTMENT IS A POLICE DEPARTMENT IN
DALLAS, TEXAS AND THEIR ADDRESS IS: 1400 S Lamar St, Dallas, TX 75215

-
5. DEFENDANT OFFICER  Badge  IS AN OFFICER IN THE DALLAS
POLICE DEPARTMENT AND HIS ADDRESS IS: 1400 S Lamar St, Dallas, TX 75215

7. DEFENDANT OFFICER Re Harding Badge No. 17399 IS AN OFFICER IN THE DALLAS POLICE DEPARTMENT AND HIS ADDRESS IS: 1400 S Lamar St, Dallas, TX 75215

8. DEFENDANT OFFICER McClanahan Badge 10564 IS AN OFFICER IN THE DALLAS POLICE DEPARTMENT AND HIS ADDRESS IS: 1400 S Lamar St, Dallas, TX 75215

9. DEFENDANT OFFICER _____ Badge No. _____ IS AN OFFICER IN THE DALLAS POLICE DEPARTMENT AND HIS ADDRESS IS: 1400 S Lamar St, Dallas, TX 75215

a) A. Colon - 9948
b) FANUSA - 1137

COUNT NUMBER 1

10. THE DEFENDANT(S) IN AN ARBITRARY AND CAPRICIOUS WAY HAVE CONTRIBUTED TO THE POLICE HARRASSMENT AND RACIAL DISCRIMINATION AND VIOLATIONS OF THE CIVIL RIGHTS AND LIBERTIES OF THE PLAINTIFF.

COUNT NUMBER 2

11. THE DEFENDANT IS IN SERIOUS VIOLATIONS OF STATE AND FEDERAL LAWS REGARDING CIVIL RIGHTS AND DISCRIMINATION AGAINST PRIVATE CITIZENS.

COUNT NUMBER 3

12. THE DEFENDANT DELIBERATELY GROSS NEGLIGENCE IN VIOLATING THE CIVIL RIGHTS AND LIBERTIES OF THE PLAINTIFF..

COUNT NUMBER 4

13. THE DEFENDANT TOOK ADVANTAGE OF THE PLAINTIFF BECAUSE IS BLACK AND EVEN THOUGH HE COMPLIED WITH THEIR REQUESTS; HIS CIVIL RIGHTS AND LIBERTIES WERE STILL VIOLATED DUE TO RACIAL AND DISCRIMINATION RIGHTS OF THE PLAINTIFF.

COUNT NUMBER 5

14. THE DEFENDANT HAS SHOWN THAT IT HAS NO INTENTIONS OF PROPERLY COMPLYING WITH FEDERAL LAWS CONCERNING RACIAL DISCRIMINATION AND VIOLATIONS OF THE RIGHTS OF PRIVATE CITIZENS.

Please be advised these ARE SOME OF violations that THE CITY OF Dallas Police Department and some of its are committing:

These are some of the statues that they officers are violating:

Federal Statutes

Federal Civil Rights Statutes

Title 18, U.S.C., Section 249

Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act

This statute makes it unlawful to willfully cause bodily injury—or attempting to do so with fire, firearm, or other dangerous weapon—when 1) the crime was committed because of the actual or perceived race, color, religion, national origin of any person, or 2) the crime was committed because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity, or disability of any person and the crime affected interstate or foreign commerce or occurred within federal special maritime and territorial jurisdiction.

The law also provides funding and technical assistance to state, local, and tribal jurisdictions to help them to more effectively investigate, prosecute, and prevent hate crimes.

The law provides for a maximum 10-year prison term, unless death (or attempts to kill) results from the offense, or unless the offense includes kidnapping or attempted kidnapping, or aggravated sexual abuse or attempted aggravated sexual abuse. For offenses not resulting in death, there is a seven-year statute of limitations. For offenses resulting in death, there is no statute of limitations.

Title 18, U.S.C., Section 241

Conspiracy Against Rights

This statute makes it unlawful for two or more persons to conspire to injure, oppress, threaten, or intimidate any person of any state, territory or district in the free exercise or enjoyment of any right or privilege secured to him/her by the Constitution or the laws of the United States, (or because of his/her having exercised the same).

It further makes it unlawful for two or more persons to go in disguise on the highway or on the premises of another with the intent to prevent or hinder his/her free exercise or enjoyment of any rights so secured.

Punishment varies from a fine or imprisonment of up to ten years, or both; and if death results, or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title or imprisoned for any term of years, or for life, or may be sentenced to death.

Title 18, U.S.C., Section 242

Deprivation of Rights Under Color of Law

This statute makes it a crime for any person acting under color of law, statute, ordinance, regulation, or custom to willfully deprive or cause to be deprived from any person those rights, privileges, or immunities secured or protected by the Constitution and laws of the U.S.

This law further prohibits a person acting under color of law, statute, ordinance, regulation or custom to willfully subject or cause to be subjected any person to different punishments, pains, or penalties, than those prescribed for punishment of citizens on account of such person being an alien or by reason of his/her color or race.

Acts under "color of any law" include acts not only done by federal, state, or local officials within the bounds or limits of their lawful authority, but also acts done without and beyond the bounds of their lawful authority; provided that, in order for unlawful acts of any official to be done under "color of any law," the unlawful acts must be done while such official is purporting or pretending to act in the performance of his/her official duties. This definition includes, in addition to law enforcement officials, individuals such as Mayors, Council persons, Judges, Nursing Home Proprietors, Security Guards, etc., persons who are bound by laws, statutes ordinances, or customs.

Punishment varies from a fine or imprisonment of up to one year, or both, and if bodily injury results or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire shall be fined or imprisoned up to ten years or both, and if death results, or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

Title 18, U.S.C., Section 245

Federally Protected Activities

1) This statute prohibits willful injury, intimidation, or interference, or attempt to do so, by force or threat of force of any person or class of persons because of their activity as:

- a) A voter, or person qualifying to vote...;
 - b) a participant in any benefit, service, privilege, program, facility, or activity provided or administered by the United States;
 - c) an applicant for federal employment or an employee by the federal government;
 - d) a juror or prospective juror in federal court; and
 - e) a participant in any program or activity receiving Federal financial assistance.
- 2) Prohibits willful injury, intimidation, or interference or attempt to do so, by force or threat of

force of any person because of race, color, religion, or national origin and because of his/her activity as:

- a) A student or applicant for admission to any public school or public college;
 - b) a participant in any benefit, service, privilege, program, facility, or activity provided or administered by a state or local government;
 - c) an applicant for private or state employment, private or state employee; a member or applicant for membership in any labor organization or hiring hall; or an applicant for employment through any employment agency, labor organization or hiring hall;
 - d) a juror or prospective juror in state court;
 - e) a traveler or user of any facility of interstate commerce or common carrier; or
 - f) a patron of any public accommodation, including hotels, motels, restaurants, lunchrooms, bars, gas stations, theaters...or any other establishment which serves the public and which is principally engaged in selling food or beverages for consumption on the premises.
- 3) Prohibits interference by force or threat of force against any person because he/she is or has been, or in order to intimidate such person or any other person or class of persons from participating or affording others the opportunity or protection to so participate, or lawfully aiding or encouraging other persons to participate in any of the benefits or activities listed in items (1) and (2), above without discrimination as to race, color, religion, or national origin.

Punishment varies from a fine or imprisonment of up to one year, or both, and if bodily injury results or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire shall be fined or imprisoned up to ten years or both, and if death results or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be subject to imprisonment for any term of years or for life or may be sentenced to death.

Title 42, U.S.C., Section 14141 Pattern and Practice

This civil statute was a provision within the Crime Control Act of 1994 and makes it unlawful for any governmental authority, or agent thereof, or any person acting on behalf of a governmental authority, to engage in a pattern or practice of conduct by law enforcement officers or by officials or employees of any governmental agency with responsibility for the administration of juvenile justice or the incarceration of juveniles that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States.

Whenever the Attorney General has reasonable cause to believe that a violation has occurred, the Attorney General, for or in the name of the United States, may in a civil action obtain appropriate equitable and declaratory relief to eliminate the pattern or practice.

Types of misconduct covered include, among other things:

- 1. Excessive Force
- 2. Discriminatory Harassment
- 3. False Arrest

4. Unlawful Stops, Searches, or Arrests

TRIAL BY JURY :

JURY TRIAL REQUEST.

RELIEF REQUESTED

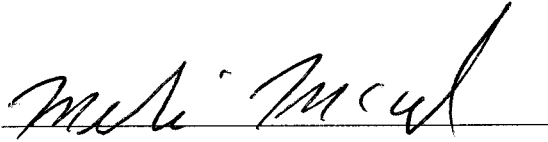
PLAINTIFF SEEKS JUDGMENT AS FOLLOWS:

A. DAMAGES IN THE AMOUNT OF 50,000,000 FOR THE MENTAL STRESS AND PHYSICAL PAIN WHICH THIS SITUATION HAS CAUSED HIM.

B. Immediate issuance of a mandamus order to cease and desist all discriminatory actions against the

plaintiff.

RESPECTFULLY SUBMITTED:

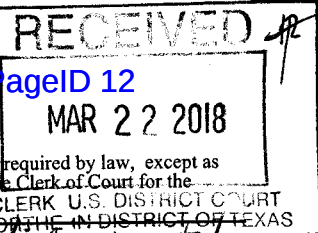
A handwritten signature in black ink, appearing to read "Melvin McCormick", is written over a horizontal line.

MELVIN MCCORMICK, PRO SE

1235 CORONADO LANE

DUNCANVILLE, TEXAS 75137

CIVIL COVER SHEET



The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS **Melvin Mark Mick pro se**

DEFENDANTS **City of Dallas Police Dept. et al Dallas**

(b) County of Residence of First Listed Plaintiff **Dallas**
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Attorneys (If Known)

318 - CV0689 - B

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause: **Violations of Civil Rights**

VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ **50,000.00**

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE **3.12.18**

SIGNATURE OF ATTORNEY OF RECORD

Melvin Mark Mick

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE



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MELVIN MCCORMICK
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CLERK OF COURT
United States District Court
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Dallas, TX 75242

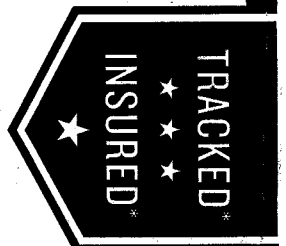


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